

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL S. ARGENYI,

Plaintiff,

VS.

CREIGHTON UNIVERSITY,

Defendant.

8:09CV341

MASTER INDEX
OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE LAURIE SMITH CAMP
CHIEF UNITED STATES DISTRICT JUDGE AND A JURY

COURT REPORTER:

Ms. Brenda L. Fauber, RDR, CRR
111 S. 18th Plaza
Suite 3122
Omaha, NE 68102
(402) 661-7322

I-N-D-E-X

Volume I -	August 20, 2013.....	Pages 1 to 44
Volume II -	August 22, 2013.....	Pages 45 to 242
Volume III -	August 23, 2013.....	Pages 243 to 454
Volume IV -	August 27, 2013.....	Pages 455 to 647
Volume V -	August 28, 2013.....	Pages 648 to 883
Volume VI -	August 29, 2013.....	Pages 884 to 1005
Volume VII -	August 30, 2013.....	Pages 1006 to 1096
Volume VIII -	September 3, 2013.....	Pages 1097 to 1103
Volume IX -	September 4, 2013.....	Pages 1104 to 1121
Pretrial meeting in chambers.....	Pages 3 to 29	
Preliminary Jury Instructions.....	Pages 29 to 39	
Opening statements by counsel.....	Pages 56 to 86	
Instruction conference.....	Pages 1011 to 1025	
Closing arguments by counsel.....	Pages 1026 to 1094	

<u>MOTIONS</u>	<u>Made</u>	<u>Ruling</u>
Motion for Clarification	Filing 349	3
Motion for Reconsideration	Filing 352	7
Motion to Sequester Witnesses	19	19
Motion re Counsel's Disability	40	41
Motion re Redaction of Exhibit and Exclusion of Evidence	47	48

1	<u>MOTIONS</u>		<u>Made</u>	<u>Ruling</u>
2	Motion re Waived Issues		48	49
3	Defendant's Rule 50(a) Motion		678	680
4	Plaintiff's Motion for			
5	Directed Verdict		1009	1011
6				
7			<u>Direct</u>	<u>Cross</u> <u>Redirect</u> <u>Recross</u>
8	<u>WITNESSES:</u>			
9	<u>FOR THE PLAINTIFF</u>			
10				
11	<u>August 22, 2013:</u>			
12	Christopher Moreland	96		
13	(without the jury)			
14	Christopher Moreland	104	107	
15	Britt Thedinger	108	148	165
16	Margaret Tyska Heaney	168	189	197
17	Ronda Rankin	201	224	226
18	Esther Argenyi	227	238	
19				
20	<u>August 23, 2013:</u>			
21	Michael Argenyi	248	387	
22				
23	<u>August 27, 2013:</u>			
24	Michael Argenyi		462	523
25	Floyd Knoop	558		

	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
1				
2				
3	Thomas Hansen	562	575	579
4	Jan Madsen	582	593	600
5	Stacey Watson	609	633	644
6				
7	<u>August 28, 2013:</u>			
8	Michael Kavan	670		
9				
10	<u>WITNESSES:</u>			
11	<u>FOR THE DEFENDANT:</u>			
12				
13	<u>August 28, 2013:</u>			
14	Michael Kavan	681	786	825
15	Thomas Hansen	831	855	879
16				
17	<u>August 29, 2013:</u>			
18	Victoria May Deuel	887	889	
19	Charles Lenosky	892	901	905
20	Theresa Ann Townley	906	915	928
21	Jan Madsen	932	943	956
22	Wade Pearson	957	974	981
23				
24				
25				

REBUTTAL WITNESSES:FOR THE PLAINTIFF:August 29, 2013:

	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
Michael Kavan	987	999	1000	

EXHIBITS:OfferedRuling

1. March 23, 2009 Letter from plaintiff to Dr. Kavan	21	22
2. April 2009 E-mails between Plaintiff and Dr. Kavan	21	22
3. April 24, 2009 E-mail from Plaintiff to Dr. Kavan	21	22
4. May 18, 2009 Letter from Dr. Kavan to Plaintiff	21	22
5. May 26, 2009 Letter from Dr. Kavan to Plaintiff	21	22
6. May 18, 2009 Letter from Dr. Kavan to Plaintiff	21	22
7. July 15, 2009 E-mail from Plaintiff to Dr. Kavan	21	22
8. Class Schedule M1 August 2009	21	22
9. September 1, 2009 E-mail from Plaintiff to Dr. Kavan	21	22
10. September 15, 2009 E-mail from Plaintiff to Dr. Kavan with attachment	323	323
11. E-mail from Plaintiff to Dr. Kavan	21	22
12. September 24, 2009 E-mail from Plaintiff to Dr. Kavan	21	22

	<u>EXHIBITS:</u>	<u>Offered</u>	<u>Ruling</u>
1			
2	13. October 30, 2009 Letter from		
3	Richard Okamoto to Amy Bones	21	22
4	16. April 10, 2009 Letter from		
5	Dr. Backous and Stacey Watson		
6	to Dr. Kavan	20	21
7	17. May 27, 2009 Letter from		
8	Dr. Backous and Stacey Watson		
9	to Dr. Kavan	20	21
10	18. September 10, 2009 Letter from		
11	Dr. Backous and Stacey Watson		
12	to Dr. Kavan	20	21
13	19. September 28, 2009 Letter from		
14	Dr. Backous and Stacey Watson		
15	to Dr. Kavan	20	21
16	20. May 6, 2010 Letter from		
17	Dr. Britt Thedinger	21	22
18	21. Audiogram and Test Results	132	132
19	22. September 21, 2010 E-mail chain		
20	Plaintiff and Thomas Hansen	355	355
21	23. October 8, 2010 E-mail from		
22	Plaintiff to Thomas Hansen	360	360
23	24. October 20, 2010 E-mail from		
24	Plaintiff to Thomas Hansen	364	364
25	25. December 6, 2010 E-mail from		
	Plaintiff to Thomas Hansen	365	366
	26. April 7, 2011 E-mail from		
	Plaintiff to Thomas Hansen	549	550
	27. Calendars Maintained by		
	Floyd Knoop, Oct. 2009-May 2010	560	560
	28. Resume of Margaret Heaney	171	172
	29A. Report of Margaret Heaney		
	with attachments	175	176

	<u>EXHIBITS:</u>	<u>Offered</u>	<u>Ruling</u>
1			
2	33. September 7, 2009 Letter from		
3	Esther Argenyi to Dr. Zetterman		
	with attachment	236	236
4	34. September 15, 2009 E-mail from		
5	Dr. Kavan to Plaintiff	21	22
6	35. September 28, 2009 E-mail from		
	Floyd Knoop to P. Brauer, et al	21	22
7	36. Charts of Auxiliary Aids		
8	Provided by Plaintiff for M1	333	333
9	38. Rankin Confidentiality Agreement	221	221
10	40. May 6, 2009 E-mail from Alice		
	Smith to Dr. Kavan	677	677
11	53. USASpending.gov 2010 Document	587	589
12	54. USASpending.gov 2011 Document	587	589
13	56. Creighton University Financial		
14	Report 2010	584	584
15	57. Creighton University Financial		
	Report 2011	585	585
16	200. Plaintiff's Application to		
17	Creighton Medical School	270	270
18	202. Letter dated June 2, 2009		
	From Amanda Mogg to Dr. Kavan	505	505
19	203. August 18, 2009 E-mail		
20	From Dr. Kavan to Plaintiff	21	22
21	206. September 21, 2009 letter		
	between counsel	765	765
22	209A. Video of OSCE	470	470
23	209B1. Video of OSCE	472	473
24	209B2. Video of OSCE	476	476
25			

1	<u>EXHIBITS:</u>	<u>Offered</u>	<u>Ruling</u>
2	210. E-mails re FM Assistive		
3	Listening Device	412	412
4	211. Creighton University School		
5	of Medicine Handbook	686	686
6	213. July 28, 2010 letter		
7	between counsel	21	22
8	214. August 13, 2010 letter		
9	between counsel	487	488
10	215. Creighton e-mails re		
11	closed captioned videos	812	813
12	218. Medical records from the		
13	Listen for Life Center	605	608
14	221. Student Evaluation Report		
15	Fall 2010	914	914
16	222. Student Evaluation Report		
17	Spring 2011	914	914
18			
19			
20			
21			
22			
23			
24			
25			